

Public Order Offence Following A Final Warning For A Similar Incident With The Same Victim

A 16 year old male was involved in an incident with a 16 year old boy who was known to him in a local park. The offender had already received a Final Warning for an assault on the same victim.

Michael was an intelligent, articulate 16 year old who had just left school and was waiting to join the armed services. He presented as an athletic and muscular lad, but it later became apparent that he had previously been overweight and this had been a source of discomfort and embarrassment for him in the past. Michael lived in a semi-rural town that had little in the way of leisure facilities for young people. Consequently the local youths often used a local car park as a social venue. One summer evening Michael made his way to the car park with Richard, a friend of his. Upon arrival they saw a group of youngsters, one of whom was a lad that Michael had assaulted 12 months previously – a local 16 year old called John. On the previous occasion Michael had punched John in the face, breaking his nose, and had received a Final Warning for the offence. At the time John had maintained that the assault was unprovoked. Michael never gave a detailed reason for hitting John. Michael had simply stated that John had wound him up and he'd lost his temper.

Assault

Michael claims he approached John on this occasion with the intention of talking to him. However, things did not go according to plan and there was some pushing and shoving, which resulted in all the lads present becoming involved in scuffles. During the melee Richard, (Michael's friend), assaulted John. Richard punched John in the face, knocking him to the ground, and left him lying there in a dazed state. Richard later received a Reprimand for this offence. Michael was caught up in a tussle with another lad and was not involved in the assault on John but when he saw John on the floor he went over to check whether John was alright. Michael was stood over John trying to talk to him, when Richard again approached. He stood behind Michael and kicked John in the ribs, leaving him with severe bruising.

Referral Order

Following extensive police enquiries, 3 months later Michael was charged with a public order offence and the Court sentenced him to a 3 month Referral Order. As is the normal procedure with Referral Orders, a Youth Offender Panel (YOP) was arranged and the parties involved were contacted. Because of John's age, his mother, Mrs Jones was telephoned by the Youth Offending Team (Yot) Victim Officer, with a view to obtaining her permission to discuss the case with John and invite him to

attend the YOP. Mrs Jones replied that she wanted to talk to John herself first and she arranged to call back a few days later. When Mrs Jones did call back it was to say that John was happy to put forward comments about the incident but he'd decided not to attend the YOP in person. He was very frightened of Michael and found the prospect of seeing him far too daunting. Instead of attending himself, John had asked his parents to attend the YOP on his behalf. Mrs Jones said that her son wanted to know why Michael had assaulted him and added that he desperately needed reassurance that Michael would leave him alone in future. The Victim Officer then discussed the matter with Mrs Jones over the telephone. It quickly became apparent that John believed the kick he'd received whilst he'd been lying on the ground had come from Michael. The Yot Victim Officer informed Mrs Jones of the facts that had been accepted by the Court but she did not really believe them. Mrs Jones stated that John had been feeling quite vulnerable and wary of Michael ever since the first assault had taken place. This second incident had confirmed his worst fears and had left him feeling very distressed. She told the Victim Officer that John barely left the house for several weeks after the second incident, as he was so terrified of bumping into Michael again. Mrs Jones said that her son wanted to know why Michael had assaulted him and added that he desperately needed reassurance that Michael would leave him alone in future. Michael's Yot Case-worker was informed that Mr and Mrs Jones wished to attend the YOP and asked to discuss the matter with Michael. The Yot Officer telephoned Michael and it became apparent that Michael was disappointed John would not be attending in person. Michael told his Caseworker that he had wanted to explain to John that it wasn't him that had assaulted him in the second incident, though he did feel some responsibility for the fact he had been assaulted. Michael said he wanted to apologise to John and let him know he had no intention of going anywhere near him again. Michael was comfortable with the prospect of John's parents attending the YOP and hoped they would be able to relay things to John on his behalf.

The Meeting

The Youth Offender Panel took place a month after Michael's Court appearance at a neutral venue in a neighbouring town. As the meeting started the body language of those present suggested to the panel members that tempers may be about to fray. Michael, to his credit, appeared quite open and relaxed but his father seemed rather distrustful and defensive. Mr and Mrs Jones (John's parents) also seemed slightly hostile, and there were a fair number of glares being exchanged between both sets of parents. The Jones's mood did not improve when they listened to Michael's version of events, they firmly believed that Michael had assaulted John and did not believe him when he denied this. There was quite a lengthy exchange on this issue which the panel members were tempted to interrupt, but they were glad they had allowed the discussion to flow when Mr Jones announced that Michael had convinced him of his innocence. Michael's father looked sceptical at this but Michael visibly relaxed when he realised he had been heard and his story had been accepted. At this point Michael felt confident enough to raise the

issue of the first assault on John. Although this offence was not part of the current case he acknowledged that it was, in some ways, connected. He fully admitted his actions, making no attempt to minimise the events or make excuses for his behaviour. Mr Jones then read out a statement John had given him to bring to the Panel. In it John talked about how distressed he had been feeling and how many problems his nose injury had caused him. Michael looked very ashamed whilst he listened to Mr Jones and immediately volunteered an apology. This came across as utterly genuine and, at that point, the Jones's smiled and visibly relaxed. Seeing them respond in such a positive way reassured Michael's father and he too appeared more relaxed. The Jones's accepted Michael's apology but asked him to explain why he'd assaulted John. Mr Jones commented that John had told him he'd done nothing to provoke Michael in any way, but added that he wasn't naïve enough to believe that John hadn't done anything at all. Michael started by simply stating that John had wound him up but, when pressed, it transpired that John had been teasing Michael for many years regarding his weight. Michael had endured name-calling and taunts from John until on that occasion, he snapped and hit John. At this point Michael stated that he recognised using violence was not the way to respond in such situations and readily acknowledged that he could have dealt with it differently. Mr and Mrs Jones agreed with Michael that he had responded inappropriately and said they couldn't condone his response but they also went on to acknowledge that he had been sorely provoked and John had been wrong to treat Michael the way he had. They apologised on his behalf, saying that they couldn't condone his behaviour either and would speak to him about it when they returned home. The Jones's then asked Michael why he'd not left things alone after the assault, and why he'd approached John in the car park to talk to him. They suggested to him that it was a decision that was always likely to result in trouble. Michael agreed with them and said he regretted ever going over to speak to John. He said he had no intention of ever going near John again, not even to talk to him. Initially Michael seemed reluctant to explain why he'd felt he needed to talk to John on this occasion but, again, when pressed he revealed that it was to ask John to 'call off' his older brother Chris. It transpired that, ever since the assault on John, Chris had been intimidating Michael, following him around and threatening to beat him up for breaking his brother's nose. Michael told the panel that he had been feeling very frightened by this and said he'd just wanted to ask John if he could ask Chris to leave him alone. Mr and Mrs Jones looked horrified by this disclosure. They immediately apologised to Michael and assured him that they would talk to Chris about his behaviour as soon as they returned home after the meeting. The panel meeting then went on to discuss issues of reparation (a letter of apology and some community work) but it was clear that the restorative work had been done during the course of the discussion and further reparation was not particularly important to the participants.